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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/598,544 06/21/00 SHIGENAGA

MA AK
F P/2580-72

EXAMINER

MM92/0123

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HSIEH, S

ART UNIT

PAPER NUMBER

2837

DATE MAILED:

01/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/598,544

Applicant(s)
Shigenaga

Examiner
Shih-yung Hsieh

Group Art Unit
2837



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 6-8 is/are rejected.

☒ Claim(s) 2-5 and 9-12 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 21, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2837

1. The drawings are objected to because link 17 in Fig. 1 should be link 18 as indicated in the specification page 3, line 17; and link 17 should be the unmarked link between hinges 22 and 21. Correction is required.

2. The disclosure is objected to because of the following informalities:

the description of the prior art of Fig. 1 on page 3 is not correct because line 11 states there are three links while line 17 introduces the fourth link 18 connected to the foot board 13b. The link between hinges 21 and 22 is not marked.

Appropriate correction is required.

3. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The functional language in claim 12 fails to provide structures to further limiting claim 1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Prior Art in Fig. 1.

The subject matter and structure limitations claimed in claims 1, and 6-8 shown in Fig. 2 are identical to the prior art shown in Fig. 1, and as admitted by the applicant on page 7.

6. Claims 2-5, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claims 2 and 9 that said toggle joint includes a third link rotatable connected at one end to said foot pedal and at the other end to said other end of said first link and said one end of said second link as set forth in the claimed combination.

8. Any inquiry concerning this communication should be directed to (David) S.Y. Hsieh at telephone number (703) 308-1031.


Shih-Yung Hsieh
Patent Examiner
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